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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL  
CERAMICS, INC. dba GLIDEWELL  
LABORATORIES, a California  
corporation,

Plaintiff,

vs.

KEATING DENTAL ARTS, INC.,

Defendant.

AND RELATED  
COUNTERCLAIMS.

Case No. SACV11-01309-DOC(ANx)

**[PROPOSED] ORDER GRANTING  
JAMES R. GLIDEWELL DENTAL  
CERAMICS, INC.'S MOTION IN  
LIMINE #1 TO EXCLUDE  
EVIDENCE OF GENERICNESS  
AFTER THE "CRUCIAL DATE"**

Hearing

Date: January 28, 2013  
Time: 8:30 a.m.  
Ctrm: 9D, Hon. David O. Carter

Pre-Trial Conf.: January 28, 2013  
Jury Trial: February 26, 2013

**ORDER**

Plaintiff James R. Glidewell Dental Ceramics, Inc.'s ("Glidewell") Motion *in Limine* No. 1 to exclude any evidence of genericness after the "crucial date" by Defendant Keating Dental Arts, Inc. ("Keating"), came before this Court for hearing during the Pretrial Conference on January 28, 2013. All parties were represented by counsel.

Having considered the evidence and arguments set forth by the parties in the papers submitted and at the hearing, and for good cause shown,

**IT IS HEREBY ORDERED** that: Glidewell's Motion *in Limine* No. 1 is GRANTED. The Court hereby orders that Keating and its counsel shall not, in the presence of the jury, present any evidence and argument as to (a) purported evidence that the terms "bruxzir" and "bruxer" are or were generic for zirconia dental restorations as of any period after April 2011, and (b) argument that post-April 2011 evidence, or undated evidence, is probative of genericness as of April 2011. In particular, the following is excluded:

1. The website exhibits listed in Exhibit A to Motion *in Limine* No. 2;
2. The prescription forms from Showcase Dental (Dkt. # 96; Tr. Ex. # 2140) and the testimony of Carol Frattura in connection with those prescription forms;
3. The testimony of third-party dentists William Belton, Raymond Brady, Jonathan Campbell, Michael Colleran, Joseph Jacquinot, Dennis Murphy, Terry Myers, Thomas Nussear, Stan Richardson, Richard Scott, Scott Stephens, Daniel Sweet, and Gary Tobin; and
4. Attorney argument regarding genericness based on prescription forms proffered by Keating that post-date April of 2011 (Dkt. # 90-4 (Exhibit 15); Tr. Ex. # 569).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. David O. Carter  
United States District Judge

**Glidewell Laboratories v. Keating Dental Arts, Inc.**  
**United States District Court, Central, Case No. SACV11-01309-DOC (ANx)**

**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2013, I electronically filed the document described as **[PROPOSED] ORDER GRANTING JAMES R. GLIDEWELL DENTAL CERAMICS, INC.'S MOTION IN LIMINE #1 TO EXCLUDE EVIDENCE OF GENERICNESS AFTER THE "CRUCIAL DATE"** the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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Dated: January 17, 2013

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